



IN THE HIGH COURT OF ORISSA AT CUTTACK

WP(C) No.4776 of 2024

Hadibandhu Behera

.....

Petitioner

Mr. S.C. Sahoo, Advocate

-versus-

State of Odisha & Ors.

.....

Opposite Parties

Mr. S. Rath, ASC

CORAM:

THE HON'BLE MR. JUSTICE BIRAJA PRASANNA SATAPATHY

ORDER

26.06.2024

Order No. 05

1. This matter is taken up through hybrid mode.
2. Heard Mr. S.C. Sahoo, learned counsel appearing for the Petitioner and Mr. S. Rath, learned Addl. Standing Counsel appearing for the Opp. Parties.
3. The present writ petition has been filed inter alia with the prayer to direct the Opp. Parties to grant pension in favour of the Petitioner taking into consideration the period of service rendered for the period from 01.06.1978 to 31.03.1991 in terms of order dtd.21.11.2000 passed by the Tribunal in O.A. No. 1967(C) of 1999 so confirmed by this Court in its Judgment dtd.11.08.2017 in W.P.(C) No. 3673 of 2003.
4. This Court vide order dtd.02.04.2024 when directed State Counsel to obtain instruction as to why Petitioner has not been sanctioned with pension, instruction provided by the B.E.O, Udala vide letter dtd.29.04.2024 was produced before this Court.



5. Basing on the request made in letter dtd.29.04.2204, the matter was adjourned to 16.05.2024 vide order dtd.29.04.2024 and again it was adjourned to today vide order dtd.16.05.2024. Today when the matter was taken up, learned Addl. Govt. Advocate contended that since the records are not available, Opp. Parties are not in a position to regularize the period in question with due submission of the pension papers.

6. It is found from the record that Petitioner seeking regularization of his services approached the Tribunal in O.A. No. 1967(C) of 1999 and the Tribunal allowed his claim vide order dtd.21.11.2000. State being aggrieved by the said order, approached this Court in W.P.(C) No. 3673 of 2003 and this Court vide Judgment dtd.11.08.2017 while dismissing the writ petition, confirmed the order passed by the Tribunal. Even after dismissal of the writ petition vide Judgment dtd.11.08.2017, Opp. Parties are yet to regularize the period and submit the pension papers of the Petitioner, who has retired since 2013.

7. In view of the aforesaid position, this Court is not inclined to allow any further time to obtain instruction as the Petitioner is going without pension and so also provisional pension, even though he has retired since 2013.

8. In view of the same, this Court has got no other option than to direct for personal appearance of Opp. Party No. 2 to appear before this Court on 5th July, 2024 and file show-cause as to why in spite of the order passed by the Tribunal so confirmed by this Court, the period in question has not been regularized with due sanction of pension.



10. List this matter on 5th July, 2024.

Free copy of the order be provided to Mr. S. Rath, learned Addl. Standing Counsel for compliance.

(BIRAJA PRASANNA SATAPATHY)

Judge

Sneha